

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JOHNNY L. MCGOWAN,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:12-CV-263-TAV-CCS
)	
SHEILA RUIZ, B. FOSTER,)	
BRANDY HUTSON, FRED JAMES,)	
CORPORAL BRUGLIO,)	
KRISTOPHER STEWART,)	
L. AUGER, BILL KING, W. POTTER,)	
DOUG COOK, and R. DEAN HALL,)	
)	
Defendants.)	

MEMORANDUM OPINION

This is a pro se prisoner's civil rights action under 42 U.S.C. § 1983. Pursuant to the Court's scheduling order entered on February 1, 2016, Plaintiff was to file his Pretrial Narrative Statement on or before May 16, 2016 [Doc. 81 pp. 1–2]. In the Scheduling Order, Plaintiff was forewarned that if he did not comply with this deadline, his case would be dismissed for failure to prosecute and failure to comply with the orders of the Court [*Id.* at 2]. The May 16, 2016, deadline has passed, Plaintiff has not filed his pretrial narrative statement, and Defendants have notified the Court that Plaintiff has not complied with the Scheduling Order [Doc. 97].

Accordingly, this action will be **DISMISSED** for failure to prosecute and failure to comply with the orders of the court, Fed. R. Civ. P. 41(b), and Plaintiff's pending motion for contempt of Court and to compel [Doc. 92] is **DENIED as moot**. Given the reason for this dismissal, the Court **CERTIFIES** that any appeal taken in this matter would not be taken in good faith. 28 U.S.C. § 1915(a)(3). Thus, if Plaintiff files a notice of appeal, he must also submit an application for leave to proceed *in forma pauperis* on appeal, his financial affidavit,

and a certified copy of his inmate trust account statement for the six months preceding the filing of the notice of appeal. 28 U.S.C. § 1915(a)(2).

AN APPROPRIATE ORDER WILL ENTER.

ENTER :

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE